



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 29, 1993

Mr. W. F. Palmer
Palmer & Neal, Inc.
Attorneys at Law
201 West Grand
Marshall, Texas 75670

OR93-753

Dear Mr. Palmer:

As counsel for the City of Marshall ("the city"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a.¹ Your request was assigned ID# 23448.

The city received a request for the following information:

All offense reports, memorandum letters, or other documents relating to the August, 1993 Marshall Police investigation of Phillip Goode of Longview. This request covers all documents relating to calls involving Mr. Goode received by the Marshall Police Department at Auto Zone and the area of the Stone Creek Apartments.

You have released an incident report, but assert that the city may withhold a memorandum from a Marshall Police Department investigating officer to a Marshall Police Department captain based on two exceptions to required public disclosure in the Open Records Act, sections 552.108 and 552.111 of the Government Code. We disagree that these exceptions permit the city to withhold the memorandum,² but conclude that the city must withhold portions of the memorandum to protect the privacy rights of an individual named therein. *See* Open Records Decision No. 343 (1982). Thus, the city

¹The Seventy-Third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the the Government Code at chapter 552. *Id.* § 1, at 599. This codification of the Open Records Act is a nonsubstantive revision. *Id.* § 47, at 988.

²*See* Open Records Decision Nos. 615 (1993) (construing predecessor provision of section 552.111); 582 (1990) (construing predecessor provision of section 552.108).

must release the memorandum with deletions of all private information. We have marked the document accordingly.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 23448

Enclosure: Marked document

cc: Mr. John Gordon
KTBS-TV
312 East Kings Highway
Shreveport, LA 71104
(w/o enclosure)